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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,807	02/13/2002	Peter G. Morcos	60001.0087USC1	1075

7590

11/15/2005

Attention: Leonard J. Hope
MERCHANT & GOULD P.C.
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Minneapolis, MN 55402-0903

EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,807

Applicant(s)

MORCOS ET AL.

Examiner

Cao (Kevin) Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 12-14 and 22-25 is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Solimene (US Patent No. (US 5,828,376).

Regarding claim 9, Solimene discloses a method for providing command bars, comprising the steps of displaying a toolbar-like command bar including at least one menu control [..there are several commands provided to the user to facilitate operation of an application and various menu categories; see col. 5, lines 17-51]; receiving an indication that the menu control has been selected, in response to the selection of the menu control, displaying a menu-like command bar including at least one interactive control [a number of control icons, wherein each control icon is associated with one of the menu items in the menubar; see col. 5, lines 52-67].

Regarding claim 10, Solimene discloses, wherein the menu-like command bar further comprises at least one text string and an icon associated with the text string [..gui operating will generate an event in response to user input; see col. 6, lines 6-44].

Regarding claim 11, Solimene discloses comprises wherein the toolbar-like command bar further a plurality of interactive controls [..pop-up menu contains all of the hypercategories; see col. 7, lines 1-29].

Response to Arguments

Applicant's arguments filed on 08/22/05 have been fully considered but they are not persuasive.

On page 7 of the Remark; Applicant argues that Solimene does not teach or suggest “receiving an indication that the menu control has been selected, in response to the selection of the menu control, displaying a menu-like command bar including at least one interactive control”. However, the limitations as claimed set forth to rely upon “a title view area for displaying a command name; a navigating icon area for displaying a navigating icon; a pop-up menu comprising at least one menu item that is also displayed within a menu bar, wherein the menu bar is displayed within the display device and separate from the graphical button, the pop-up menu being displayed when the user selects the navigating icon; and a default menu item previously selected from the menu items of the pop-up menu, wherein a name of the default menu item is displayed within the title view area, and further wherein a command corresponding to the default menu item is executed when the user selects the title view area; wherein when the user selects an item from the pop-up menu, a command corresponding to the selected item is executed, and the item selected becomes the default menu item whose name is displayed within the title view area.” See Solimene.

On page 7 of the Remark; Applicant argues that Solimene does not teach or suggest “at least one interactive control further comprises at least one text string and icon”; however, the limitations as claimed broadly read on “at least a toolbar comprising a persistent toolbar view for displaying a plurality of control icons associated with corresponding hyperitems of at least

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one of the hypercategories, wherein the computer application executes the command associated with the hyperitem when the user selects a corresponding control icon; and the hyperitem editor further comprising a means for selectively inserting a control icon for a hyperitem into the toolbar." See Solimene.

Accordingly, the claimed invention as represented even amended in the claims does not represent a patentable distinction over the art of record.

Allowable Subject Matter

Claims 1-8, 12-14 and 22-25 are allowed over the prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053.

The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

11/10/05